

Docket No.: 22956-235
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Alexander M. Harmon et al.

Application No. 10/729,046

Filed: December 5, 2003

For: VIABLE TISSUE REPAIR IMPLANTS AND
METHODS OF USE

Confirmation No. 9312

Art Unit: 3738

Examiner: Alvin J. Stewart

I hereby certify that this correspondence is being sent electronically via EFS-Web
on the date shown below.

Dated: March 27, 2007

Signature: 

(Charlton Shen)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT (IDS)

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

It is noted that in the Office Action mailed December 19, 2005, four references of an information disclosure statement (mailed by the Applicants on June 27, 2005) were not initialed by the Examiner as being considered. The four references, Pavlov, Kransnov et al., Bonisch et al., and Rohrbach et al., are resubmitted. Applicants kindly request the Examiner's consideration of these references. Though the majority of the text of each reference is not in

English, each reference was cited in a European Patent Office Search Report for corresponding European Application EP04257515, an English copy of which is also included herewith. In accord with MPEP §609.04(a) III, the search report, which indicates the relevance of each reference cited, should be sufficient to satisfy the concise explanation requirement.

Since these references were provided not more than three months prior to Applicants knowledge of the European Search Report, no fee is believed to be required. However, if the Applicants are in error, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 22956-235.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Dated: March 27, 2007

Respectfully submitted,

By: 

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Substitute for form 1449A/B/PTO				Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/729,046-Conf. #9312
				Filing Date	December 5, 2003
				First Named Inventor	Alexander M. Harmon
				Art Unit	3738
				Examiner Name	Alvin J. Stewart
Sheet	1	of	1	Attorney Docket Number	22956-235

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ² -Number ⁴ -Kind Code ⁵ (if known)				
		RU2187261	08-20-2002	PAVLOV VV		✓
		SU1535542	01-15-1990	KRASNOV, M.M. et al.		✓

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		BONISCH, M., et al. "Septumredonstrucktion mit PDS-Folie" HNO 47: 1999 pp 546-550	
		European Patent Office Communication, for EP 04 25 7515, dated May 9, 2005.	
		ROHRBACH, JENS MARTIN et al., "Biological Corneal Replacement - Alternative to Keratoplasty and Keratoprosthesis? A Pilot Study with Heterologous Hyaline Cartilage in the Rabbit Model", Klin Monatsbl Augenheilkd 207, 1995; pp 191-196	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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